



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,970	05/23/2006	Masatomo Nagatani	P29985	9973
52123 7590 06/25/2009 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER RHEE, JANE J				
ART UNIT 1795		PAPER NUMBER		
NOTIFICATION DATE 06/25/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com

pto@gbpatent.com

Office Action Summary**Application No.**

10/595,970

Applicant(s)

NAGATANI ET AL.

Examiner

JANE RHEE

Art Unit

1795

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Rejection Repeated

1. The 35 U.S.C. 103(a) rejection of claims 1-4 unpatentable over Inoue et al. in view of Kageyama and in further view of Endo has been repeated as previously made in office action mailed on 12/14/07.

As to the new limitation, "a pair of linear parts opposite each other and a pair of circular parts opposite each other forming a generally oval shape," Inoue et al. teaches a pair of linear parts opposite each other and a pair of circular parts opposite each other forming a generally oval shape (figure 10). Endo teaches forming locations where the linear parts join the circular parts and the shape of the sealing plate changes from a circular part to a linear part and form a linear part to a circular part for the purpose of providing a cleavage part that is easily cleaved when the internal pressure is increased (abstract, figure 4 number 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Inoue with forming locations where the linear parts join the circular parts and the shape of the sealing plate changes from a circular part to a linear part and form a linear part to a circular part in order to provide a cleavage part that is easily cleaved when the internal pressure is increased (abstract, figure 4 number 5).

Response to Arguments

2. Applicant's arguments filed 4/13/09 have been fully considered but they are not persuasive.

In response to applicant's argument that Endo fail to teach a generally oval battery, Inoue teaches a generally oval battery (figure 10).

In response to applicant's argument that Endo fail to disclose locations where the linear parts join the circular parts and the shape of the sealing plate changes from a circular part to a linear part and form a linear part to a circular part, Endo does teach forming locations where the linear parts join the circular parts and the shape of the sealing plate changes from a circular part to a linear part and form a linear part to a circular part for the purpose of providing a cleavage part that is easily cleaved when the internal pressure is increased (abstract, figure 4 number 5). Therefore, it would have been obvious to one having ordinary skill in the art at the time applicant's invention was made to provide, Inoue with forming locations where the linear parts join the circular parts and the shape of the sealing plate changes from a circular part to a linear part and form a linear part to a circular part in order to provide a cleavage part that is easily cleaved when the internal pressure is increased (abstract, figure 4 number 5).

Applicant argues that in figure 4 of Endo the breakage point 5 is completely on the linear portion of the sealing plate. Figure 3 number 7 of applicant's drawings show that the breakage point is also on the linear portion of the sealing plate. The break point 5 of figure 4 in Endo shows that the break point is formed at a location where the linear parts join the circular parts.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANE RHEE whose telephone number is (571)272-1499. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jane Rhee/
Primary Examiner, Art Unit 1795